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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/758,699	01/11/2001	Hideo Okada	55504(551)	9569

7590 09/04/2003

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EXAMINER

WACHSMAN, HAL D

ART UNIT PAPER NUMBER

2857

DATE MAILED: 09/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

RF

Office Action Summary

Application No.

09/758,699

Applicant(s)

OKADA, HIDEO

Examiner

Hal D Wachsman

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2857

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-7,9-17,19-23,25-33,35-38,40-47,49-56 and 58-61 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,3-7,9-17,19-23,33,35-38,40-47,49-56 and 58-60 is/are allowed.
- 6) ☒ Claim(s) 61 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

1. Claim 40 is objected to under 37 C.F.R. 1.75(c) for failing to refer back to and further limit another claim. Claim 40 depends from **claim 39 which was cancelled**.

Appropriate correction is required.

2. Claims 17, 23, 25-32, 38, 40-47, 49-56 and 58-60 are objected to under 37 C.F.R. 1.75(a) for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. Claim 17, lines 12-13, cites "the detected history" which it appears should be "the determined history". The last line of claim 23 cites "the value remaining in said electrical apparatus" which should be "the residual value remaining in said electrical apparatus". Claim 38, line 20, cites "said variation patterns" which lacks clear antecedent basis. Claim 41, line 4, in two locations, cites "the value" which it appears should be "the residual value". This same type of problem also occurs in claim 52, line 15, claim 53, line 6. Claim 47, in the preamble indicates a recording medium having instructions however it is not clear how the functionality of the recording medium with programmed instructions is being realized if it is not being executed on a general purpose computer for example. This same type of problem also occurs in the preamble of claim 52. Claim 47, line 5, cites "...to perform the steps of for" but was it actually intended to be here "...to perform the steps of" ? Claim 54, line 3, cites "said patterns of variations of residual values" which lacks antecedent basis in claim 52. The examiner asks the applicant to better claim the limitations cited above. While the examiner understands the intentions of the applicant he feels confusion could be drawn from the limitations cited above. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 61 is rejected under 35 U.S.C. 103(a) as being unpatentable over Soga et al. (5,867,809) in view of the Applicant's Admissions of the prior art.

As per claim 61, Soga et al. (Abstract, col. 4 lines 50-67, col. 12 lines 12-34) disclose outputting the value remaining in the electrical apparatus and calculated by the calculating circuit. It appears though that Soga et al. does not clearly disclose the remaining features of this claim. However, the Applicant's Admissions of the prior art (page 1 lines 25-27, page 2 lines 8-10 of the specification) teaches these excepted features. It would have been obvious to person of ordinary skill in the art at the time the invention was made to apply the Applicant's Admissions of the prior art to the invention of Soga et al. as specified above because as taught by the Applicant's Admissions of the prior art (page 1 lines 12-14 of the specification) in recent years, attention has been given on reduction of refuse, garbage or the like for environmental conservation. The refuse or the like can be reduced by reusing or recycling products.

5. Claim 61 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ketonen et al. (6,349,268) in view of the Applicant's Admissions of the prior art.

As per claim 61, Ketonen et al. (see at least abstract) disclose outputting the value remaining in the electrical apparatus and calculated by the calculating circuit. It appears though that Ketonen et al. does not clearly disclose the remaining features of this claim. However, the Applicant's Admissions of the prior art (page 1 lines 25-27, page 2 lines 8-10 of the specification) teaches these excepted features. It would have been obvious to person of ordinary skill in the art at the time the invention was made to apply the Applicant's Admissions of the prior art to the invention of Ketonen et al. as specified above because as taught by the Applicant's Admissions of the prior art (page 1 lines 12-14 of the specification) in recent years, attention has been given on reduction of refuse, garbage or the like for environmental conservation. The refuse or the like can be reduced by reusing or recycling products.

6. Claims 1, 3-7, 9-17, 19-23, 25-33, 35-38, 40-47, 49-56 and 58-60 are allowed subject to the appropriate correction of the 37 C.F.R. 1.75(a) and 37 C.F.R. 1.75(c) objections noted above.

Claims 1 and 3-6 are allowable over the prior art because the prior art does not disclose or suggest a detecting circuit that issues an electrical signal corresponding to the detected state of an electrical apparatus, the detecting circuit including a circuit for detecting an elapsed time from at least one of the date of manufacture of the electrical apparatus and the date of first use of the electrical apparatus, issuing an electrical signal corresponding to the detected elapsed time with a determining circuit that determines a history of use of the electrical apparatus based on the electrical signal sent from the detecting circuit.

Claims 7 and 9-16 are allowable over the prior art because the prior art does not disclose or suggest: a storage circuit, connected to a calculating circuit that calculates the residual value remaining in an electrical apparatus, for distinguishing parts forming the electrical apparatus based on patterns of variations of residual values during an elapsed time, and for storing the patterns of variations of residual values and the distinguished parts forming the electrical apparatus based thereon, wherein the calculating circuit integrates values remaining in the respective parts forming the electrical apparatus based on the history of use and the patterns of variations of the residual values stored in the storage circuit, and calculates the residual value remaining in the electrical apparatus.

Claims 17 and 19-22 are allowable over the prior art because the prior art does not disclose or suggest: a means for detecting at state of an electrical apparatus and issuing an electrical signal corresponding to the detected state in which the detecting means includes a means for detecting an elapsed time from at least one of the date of manufacture of the electrical apparatus and the date of first use of the electrical apparatus, and for issuing an electrical signal corresponding to the detected elapsed time with a means for determining a history of use of the electrical apparatus based on the electrical signal sent from the detecting means.

Claims 23 and 25-32 are allowable over the prior art because the prior art does not disclose or suggest: a means for distinguishing parts forming an electrical apparatus based on patterns of variations of residual values during an elapsed time, and for storing the patterns of variations of residual values and the distinguished parts based

theron, wherein a calculating means integrates values remaining in the respective parts forming the electrical apparatus based on a determined history of use of the electrical apparatus and the patterns of variations of stored residual values and calculating the residual value remaining in the electrical apparatus.

Claims 33 and 35-37 are allowable over the prior art because the prior art does not disclose or suggest detecting a state of an electrical apparatus and issuing an electrical signal corresponding to the detected state; detecting an elapsed time from at least one of the date of manufacture of the electrical apparatus and the date of first use of the electrical apparatus with the issuing of an electrical signal corresponding to the detected elapsed time to be used in determining the history of use of the electrical apparatus.

Claims 38 and 40-46 are allowable over the prior art because the prior art does not disclose or suggest: distinguishing parts forming an electrical apparatus based on patterns of variations of residual values with respect to time elapsing, and preparing the patterns of variations of residual values and the parts based thereon, wherein calculating the residual value includes integrating values remaining in the respective parts forming the electrical apparatus based on the history of use of the electrical apparatus and the patterns of variations of residual values, and calculating the residual value remaining in the electrical apparatus.

Claims 47 and 49-51 are allowable over the prior art because the prior art does not disclose or suggest: detecting a state of an electrical apparatus and issuing an electrical signal corresponding to the detected state; detecting an elapsed time from at

least one of the date of manufacture of the electrical apparatus and the date of first use of the electrical apparatus with the issuing of an electrical signal corresponding to the detected elapsed time to be used in determining the history of use of the electrical apparatus.

Claims 52-56 and 58-60 are allowable over the prior art because the prior art does not disclose or suggest: detecting a state of an electrical apparatus and issuing an electrical signal corresponding to the detected state; detecting an elapsed time from at least one of the date of manufacture of the electrical apparatus and the date of first use of the electrical apparatus with the issuing of an electrical signal corresponding to the detected elapsed time to be used in determining the history of use of the electrical apparatus.

7. Applicant's arguments filed 6-24-03 have been fully considered but they are not persuasive with respect to the art rejections of claim 61. No arguments were presented with respect to the 35 U.S.C. 103 rejection of claim 61 using Soga et al. in view of the Applicant's Admissions of the prior art and the 35 U.S.C. 103 rejection of claim 61 using Ketonen et al. in view of the Applicant's Admissions of the prior art.

8. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hal D Wachsman whose telephone number is 703-305-9788. The examiner can normally be reached on Monday to Friday 7:00 A.M. to 4:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc Hoff can be reached on 703-308-1677. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7722 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

A handwritten signature in black ink, appearing to read 'Hal D Wachsman', with a stylized flourish at the end.

Hal D Wachsman
Primary Examiner
Art Unit 2857

HW
August 30, 2003

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

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P.O. Box 1450

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APPLICATION NO/ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Hal D Wachsman
Primary Examiner
Art Unit: 2857